

February 16, 2021 Special Board Meeting

**MINUTES OF THE SPECIAL BOARD MEETING OF THE TOWN BOARD OF THE TOWN OF THURMAN, NEW YORK HELD FEBRUARY 16, 2021 AT THE THURMAN TOWN HALL. 311 ATHOL ROAD, ATHOL, NEW YORK, COMMENCING AT 6:00 PM.....**

**PRESENT: Mr. Ed Brown, Councilman**

**Mr. Randy Galusha, Councilman**

**Mrs. Joan Harris, Councilwoman**

**Mr. Douglas Needham, Councilman**

**Mrs. Susan Shepler, Supervisor**

**RECORDING SECRETARY: Susan E. Staples**

**PLEDGE OF ALLIGIANCE TO THE FLAG:**

**ROLL CALL:**

**Due to the rise in Covid-19 cases the meeting was closed to the public.**

**Councilman Needham arrived at 6:02 pm.**

The meeting started with a review of claims at **6:00 pm**. The meeting was called to order at **6:33 pm**.

**Discussion: Councilwoman Harris** noted we should get a last copy of their Audit, the Fire Company. **Supervisor Shepler** replied from who. **Councilwoman Harris** noted we should get a copy of their last Audit. They do.....They have to be audited every time, every year at a certain time, and last year we didn't..... I don't know it's been a whole year, and we haven't seen a copy of the Audit, but we are giving them \$80,000.00 so we definitely need to see their Audit. So if you just ask them I'm sure they'll show us. **Supervisor Shepler** responded I will. The **Town Clerk** noted I just want to remind the Board Members I need copies of the Audits that you did on the 20<sup>th</sup>. **Councilman Galusha** noted shoot I forgot it. **Supervisor Shepler** noted so do I, I need them too so. The **Town Clerk** noted they are holding me up from putting minutes out actually. **Councilman Brown** noted you've (Supervisor Shepler) have got mine up there. **Councilman Galusha** noted I meant to bring it. The **Town Clerk** noted I have **Joan's**. **Joan** you are off the hook. **Councilman Brown** noted (Inaudible). I'll get them to you. The **Town Clerk** replied alright like I said I need them so I can send the minutes out.

**Supervisor Shepler** asked can I please have somebody introduce payment of claims please. She then read the claims noting a total of \$72,615.87 for the General Fund. She then read the claims noting a total of \$57,008.51 for the Highway Department. She then read the claims for the Enterprise Fund noting a total of \$1,170.23. She then noted and we also have a Fire District for Abstract number 2. And that is going to be \$80,908.00 even. She noted total claims for Abstract number 2 \$211,702.61. \$211,702.61. Do I have any discussion?

**RESOLUTIONS:**

**Resolution # 25**

On a motion introduced by **Councilman Needham** and seconded by **Councilman Brown**

**Payment of Claims**

Total of Abstract 002: General Fund, February 16, 2021 \$72,615.87

Total of Abstract 002: Highway Fund, February 16, 2021 \$57,008.51

Total of Abstract 002: Enterprise Fund, February 16, 2021 \$1,170.23

Total of Abstract 002: Fire District, February 16, 2021 \$80,908.00

**Discussion: Councilman Needham** noted this should be the last bill on these poles right. The pole rentals. **Supervisor Shepler** replied they're.....The poles were turned off so I do believe there will be half a month due, and that will be it. Any other discussion? None being heard may I please have a Roll Call Vote please?

**A Roll Call Vote was called.**

**Motion Carried: Ayes~5 Brown, Galusha, Harris, Needham, Shepler, Nays~0**

**Discussion: Supervisor Shepler** noted passed. The Board Members today received a memorandum from our Town Attorney in regards to a Resolution being brought before them this evening. I need somebody to please introduce the Resolution. A Resolution authorizing health insurance for Supervisor's confidential Secretary/Bookkeeper.

**Resolution**

On a motion introduced by **Councilman Needham** and seconded by **Councilman Brown**

**Resolution Authorizing Health Insurance for Supervisor's Confidential Secretary/Bookkeeper**

**WHEREAS**, health insurance has been provided to the Supervisor's Confidential Secretary/Bookkeeper since, February 1, 2020

And

**WHEREAS**, such insurance was not pre-approved by the Town Board,

And

**WHEREAS**, the Town Board wishes to rectify this oversight.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board hereby approves providing health insurance to the Supervisor's Confidential Secretary/Bookkeeper effective immediately and retroactive to February 1, 2020.

**Discussion: Supervisor Shepler** asked do I have discussion. **Councilman Galusha** replied I have a number of things I need to say about this. Did you have something you wanted to say **Ed? Councilman Brown** replied no I discussed the things I want to talk about. **Councilman Galusha** continued noting first of all this is the first that any of us are seeing this Resolution. **Supervisor Shepler** interrupted noting that is correct. **Councilman Galusha** continued noting it wasn't included in our meeting packets. **Supervisor Shepler** responded there was no meeting packet given out. **Councilman Galusha** replied OK, it was not posted. **Supervisor Shepler** responded no. **Councilman Galusha** continued noting this meeting has not

been posted or Public Notice I don't believe. So the Public hasn't had an opportunity to evaluate this, and give us their input. So immediately I would move to table this motion until the Public has a chance to evaluate it. **Supervisor Shepler** noted I just got this late (inaudible) this morning. **Councilman Galusha** responded it doesn't matter when we got it. **Supervisor Shepler** continued noting I am just sharing this with you. **Councilman Galusha** noted I think the Public has a right to have input on something this significant. After our last meeting you showed me the bill for the insurance. **Supervisor Shepler** replied I did. **Councilman Galusha** continued noting it was as I recall in my notes \$792.16 per month. **Supervisor Shepler** replied I honestly don't remember the amount, but I.....**Councilman Galusha** interrupted noting that is what I believe I wrote down, OK. **Supervisor Shepler** responded fine. **Councilman Galusha** continued noting so that is an annual bill for 12 months of \$9,505.92. **Supervisor Shepler** replied alright. **Councilman Galusha** responded OK going back to our Organizational Meeting on January 3<sup>rd</sup> of 2020 we discussed this issue so to say in this Resolution that it was an oversight is really inaccurate because it wasn't an oversight. We talked about it. It wasn't like we forgot about it or we should have done it and we should have, and since that time I have repeatedly pointed out to you that the Board should evaluate this, and decide whether or not to offer insurance. Initially at the Organizational Meeting you said that you would bring it back in front of the Board. You didn't. You gave it to her without Board Approval. Second the.....I am trying to figure the time line with all of this. I know that we talked about this numerous times throughout the year, and I reminded you that it was a Board purview to review and approve this, and in November when we were discussing this very subject we had a Board Meeting on November 12<sup>th</sup> we went into Executive Session. I have a copy of the memorandum that.....**Supervisor Shepler** interrupted noting I don't think that anything discussed and or presented in Executive Session is admissible at this Board Meeting at this point in time. **Councilman Galusha** responded I'm not admitting anything. There is nothing that can't be discussed here as far as..... The Town Attorney advised us that having given her Health Insurance without Board approval in violation of the Town's Policy was an illegal gift of Public Funds OK. **Supervisor Shepler** interrupted noting **Randy** let me just tell you this came from the Attorney's Office alright. **Councilman Galusha** replied OK just so that you know before I came here tonight I spoke to the Attorney. **Supervisor Shepler** responded I know you did. **Councilman Galusha** continued noting and the memorandum that he wrote that sent this Resolution over.....**Supervisor Shepler** interrupted noting um hum. **Councilman Galusha** continued noting clearly stated and he told me tonight he was concerned that maybe it wasn't forceful enough that he was not taking a position whether we should or should not offer the insurance. **Supervisor Shepler** interrupted noting that is absolutely right. **Councilman Galusha** continued noting to secretary. He also said that he did not have an opinion or position whether this was legal or not. He did not evaluate that. **Supervisor Shepler** replied that is not the discussion I had with him **Randy**. **Councilman Galusha** replied well that is the discussion that I had. He also indicated that he did not know for sure whether this would open us to a lawsuit from other part-time employees who are being treated differently than this employee because she.....**Supervisor Shepler** interrupted noting she is full time. **Councilman Galusha** responded she is not full time. The Resolution and I can read it. This is the current Town Policy unless you can show me a Resolution that supersedes that. **Supervisor Shepler** responded we also have discussed that it is at 32 hours and we also have discussed that it needs to be changed and updated. **Councilman Galusha** replied it needs.....Yes I agree the benefits policy needs to be addressed, but we are not talking about what needs to be done. **Supervisor Shepler** spoke over him noting (inaudible) that Resolution, but that.....**Councilman Galusha** replied we are not talking about what needs to be done OK so this is Resolution #12 of 2011. **Supervisor Shepler** responded um hum. **Councilman Galusha** continued noting

whereas the Town Board of the Town of Thurman authorized health insurance for part-time employees at the expense of the employee Resolution 41 of 2009. Be it resolved that the Town Board of the Town of Thurman shall continue to offer appointed part-time employees health insurance at their own expense. Appointed full time employees shall be offered health insurance at a rate consistent with that of the Highway Department's contract with the Town. Be it further resolved that a part-time employee shall be an employee that works 32 or less. **Supervisor Shepler** interrupted noting it was what, I'm sorry. **Councilman Galusha** continued noting an employee shall work more than 32 hours a week to be a full time employee. **Supervisor Shepler** responded the times have changed since then. **Councilman Galusha** replied no. **Supervisor Shepler** continued noting and so has the American Civil.....**Councilman Galusha** responded OK if that is the case you should have sited that in this Resolution. That is not a requirement. We have been round and round about this **Susan**. **Supervisor Shepler** responded I didn't write this Resolution **Randy**. The attorney wrote it. **Councilman Galusha** responded you asked.....You asked the Town Attorney to write it. **Supervisor Shepler** replied yes I did. I asked him to write it for me. Because I didn't want there to be any questions over it. **Councilman Galusha** interrupted noting I (inaudible) the very....noted I'm sorry I didn't mean to talk over you. **Supervisor Shepler** replied that is alright. **Councilman Galusha** noted go ahead. **Supervisor Shepler** noted no I just said I asked in a discussion with the Attorney we discussed this and I asked him if he would put the verbiage together for me so as there was to be no room for error. He said he would do it, and he did it. **Councilman Galusha** responded the Town Attorney indicated to me that he wrote the Resolution you requested him to write. **Supervisor Shepler** replied I didn't give him the verbiage. I am sorry **Randy**. **Councilman Galusha** replied he did not.....He didn't evaluate this, the legality of it. Whether it was in violation of Town Policy or anything like that. Or whether the Town could be subject to legal action by other employees. **Supervisor Shepler** responded um hum. **Councilman Galusha** noted you should also know that I have sent all this information to the Comptroller's Office, and I am awaiting a response from them as to the legality of it. **Supervisor Shepler** replied that is fine. **Councilman Galusha** continued noting and my concern is that if we take this action that we could further exasperate an already illegal action. So I think that at the very least we need to table this, give the Public time to give us input, get a response from the Comptroller's Office.....**Supervisor Shepler** interrupted noting **Randy** we have been putting this off. Every month we put this off, and I asked you.....**Councilman Galusha** interrupted noting may.....May..... Hold on. He continued noting no this is the first time we have brought this up. **Supervisor Shepler** interrupted noting I ask you every month what would you suggest we do. How would you suggest we handle it, and you don't know? **Councilman Galusha** interrupted noting no actually that is not true. Actually that is not true. **Supervisor Shepler** replied I do ask you. **Councilman Galusha** replied you've had an opportunity since you first gave her health insurance you could have brought this up any month throughout this whole year. I pointed out repeatedly that this was wrong. That the Board needed to approve it. You never once brought a Resolution to correct this. **Supervisor Shepler** responded you have also brought up other things **Randy**, and we've indicated.....**Councilwoman Harris** interrupted noting we are talking about this now not other things. **Supervisor Shepler** responded I beg your pardon. **Councilwoman Harris** responded we are not talking about other things. We are talking about this. **Supervisor Shepler** replied no, no he wanted other aspects that pertain to this particular subject. **Councilwoman Harris** replied OK. **Councilman Galusha** noted so you..... **Supervisor Shepler** continued noting so to right a wrong I put a Resolution before the Board. I have also told the Board that we need to go in and redo the Policy because it's.....**Councilman Galusha** interrupted noting agree. **Supervisor Shepler** continued noting very outdated. **Councilman Galusha** replied agree both of those. I mean you are trying to right a wrong.

So that is an admission right there. This Resolution and what you just said is an admission that we did something wrong. **Supervisor Shepler** replied I was quoting you. **Councilman Galusha** replied OK. So the very fact that this meeting wasn't Public Notice. The Public hasn't had any time to have input. If we pass this Resolution we are subjecting ourselves to possible legal action from the citizens of this Town and the other part-time employees. **Supervisor Shepler** responded I don't believe from the citizens of the Town **Randy**. I believe.....**Councilman Galusha** interrupted noting absolutely if you conduct an illegal meeting anything you do during that meeting could be subject to be overturned and invalidated. That is the purpose of the Open Meeting Law. **Supervisor Shepler** responded how is this illegal meeting because the.....**Councilman Galusha** replied there wasn't public notice. It is not on the Town Website. No sign was put out there. I don't think notice was sent to the paper. The **Town Clerk** replied no I didn't put anything in the paper. **Supervisor Shepler** interrupted noting that is **Susan's** responsibility not mine. The **Town Clerk** continued noting now because the meeting has been closed I didn't put it in the paper. Because the meetings have been closed to the Public I have not put it in the paper. **Councilman Galusha** replied OK so.....**Supervisor Shepler** interrupted noting there is no room for Public input at this point in time because the Public is not.....**Councilman Galusha** interrupted noting of course there is. **Supervisor Shepler** continued noting the Public is not present nor will they be present in the near future. **Councilman Galusha** replied if this is posted on the Town's website and the Public is given time to speak to any one of us or send in comments they have every right to do that and they should. **Supervisor Shepler** interrupted noting **Randy** did I not tell you that that was not received until this morning. Late morning. **Councilman Galusha** responded good so let's give the Public time, and we will address it at the next meeting. **Supervisor Shepler** replied so you would like to address it at the March meeting is what you are saying. **Councilman Galusha** continued noting I make a motion that we table this. **Supervisor Shepler** replied for what. Till when? For when till the March meeting? You are tabling it I want to know what you are tabling it till. **Councilman Galusha** replied that is our next meeting. **Supervisor Shepler** noted so we have to have a vote on tabling it. **Councilman Galusha** responded we need a second. **Councilwoman Harris** replied I'll second it. **Supervisor Shepler** noted **Joan** is going to second. **Randy**.....Hold on. **Councilman Brown** noted can I say something. **Councilman Galusha** replied sure. **Councilman Brown** noted I went back and I got your papers. **Councilman Galusha** replied um hum. **Councilman Brown** continued noting you had them. I agree with it. I got them when I came (inaudible). This is about legally requiring benefits to part-time employees. This is through Obama care the Affordable Care Act. **Supervisor Shepler** replied um hum. **Councilman Galusha** replied OK. **Councilman Brown** continued noting which they do say.....Now this is what they say which is the (inaudible) as far as I can understand. I am not a lawyer I just know what I read, and it does say part-time, it is right here if you want to read it, 30 hours. The minimum of 30 hours a week part-time to 130 hours a month. So it does say it right there, but then it does say a little bit further with this (inaudible) group OK. Which is sometimes a larger group, but then it is up to the employee...The employer. **Councilman Galusha** replied absolutely. **Councilman Brown** continued noting so we really need to address this, and what is bothering now I think you have said it is we have known about this. **Councilman Galusha** responded yes. **Councilman Brown** noted we should have acted. Not....Can't just blame one person. We should have all just said we've got to do this, and we should have done that. You know that is what I am trying to say because I see some of these other Resolutions. I don't have them all and I wasn't aware of that one. Because some of these, and I am not bad mouthing anybody that wrote these Resolutions, but when it says here is a Resolution for 2017. The Resolution set Policy for the General Fund Employees receiving health insurance. There is no person in the General Fund. That money goes from there to them, and it

say General Fund full time employees receiving Health Insurance through the Town will follow the same guidelines as the Thurman Highway Department pertaining to the employees share of the Health Insurance cost. I don't think they can pertain to the same contract, but that also does not give any other details it just says Health Insurance. I mean it should be upgraded. It should be more thorough. So and the other one is the same way. This is 2-09 it just says that part-time employees will establish Health Insurance, but it doesn't give any hours. It doesn't say anything. **Councilman Galusha** replied right. **Councilman Brown** continued noting and this should all be changed and it needs to be documented. Don't we all agree on that? **Councilman Galusha** replied yes. **Councilman Brown** noted it needs upgrading. **Supervisor Shepler** replied so then.....**Councilman Galusha** noted we agree. **Councilman Brown** noted and then I have another one that says.....I am sorry. **Supervisor Shepler** replied no, no please. **Councilman Brown** continued noting this is to.....The Town Board of Thurman hereby establishes the following workday for elected and appointed officials the sole purpose is determining days worked reportable New York State and Local Employees. It list them, but it doesn't give any hours. No time. It just says 8 hours, but it doesn't say what is full what is part-time. And it should. **Councilman Galusha** noted I agree. **Councilman Brown** continued noting don't we agree on that though. **Councilman Galusha** replied yes we do. **Councilman Brown** continued noting we need to address this. **Councilman Needham** noted we need to address this. **Councilman Galusha** responded Ed I don't disagree with anything that you said. **Councilman Brown** interrupted noting you know like I said because well they already put me on the internet so I can talk about it. I was one of them part-time employees you are talking about. That had the insurance taken away because I transferred. **Councilman Galusha** responded right. **Councilman Brown** continued noting OK now I have talked to a few other people and there is a difference between part-time, full time. You know on different levels in different parts of the Town. **Councilman Galusha** replied right. **Councilman Brown** noted that is something that we've got to take into consideration too. **Councilman Galusha** replied absolutely. **Councilman Brown** noted and I am not looking at the position of the Secretary. I said that at the first Board Meeting that we had. I am looking at that as the position not the person. **Councilman Galusha** replied absolutely I agree. **Councilwoman Harris** noted with no personality involved. **Councilman Brown** responded right I am just looking at the position OK. **Councilman Galusha** replied I agree. **Councilman Brown** noted OK I think we should do what is right for the position because I told you back then, and I am pretty sure my words were it is not for the person it's the position, and I personally agree we should have never started cutting the hours on that position. That is my feelings, and if I had been on the Board then I would have stated it then, but it is always cut, cut, cut then we are kept in the dark about everything. The Board should not be kept in the dark about anything you know. I am not saying you (inaudible) of us, and we are sometimes you know. We need to be more open, and I'd like to move to get this resolved. Get all this paperwork straightened out. **Councilman Galusha** replied I agree with you. **Councilman Brown** noted anybody don't agree or disagree you know.....**Councilman Needham** noted I agree. How do we go about doing it. **Supervisor Shepler** interrupted noting so I if I understand this correctly. **Councilman Brown** noted I beg your pardon. **Supervisor Shepler** replied if I understand this correctly we'll take a vote, but we are tabling this Resolution until the March meeting, and at which time we are also looking to have changes to the Policy Manual to update and the verbiage in the Policy Manual to make it more current with 2021. **Councilman Needham** responded is the Town (inaudible) Policy something that is in writing. **Supervisor Shepler** replied there is a Policy Manual. **Councilman Needham** replied OK we have to.....The Town Board to change that whatever.....**Supervisor Shepler** interrupted noting well it was the Town Board who wrote the Resolutions for 99% of it I would say or 90% of it. **Councilman Needham**

noted because there have been numerous Resolutions over the years so we have to.....**Supervisor Shepler** interrupted noting well that is it, and none of them have been put into the books. **Councilman Brown** responded it will be a lot clearer than what they are. **Councilman Galusha** replied yes. **Councilwoman Harris** noted we have to have a copy of the policy so each of us can be working on it and updating it. **Councilman Brown** replied exactly. **Supervisor Shepler** noted well there is the Policy and then there is the Resolutions, and I am referencing the Resolutions at this point in time because the Resolutions are what.....Are outdated as far as 2012 I think it was. **Councilman Galusha** responded well they go back as far as 2009. The fact is if they haven't been superseded by a more current Resolution they are still in effect. **Supervisor Shepler** noted that is right. I understand that so. **Councilman Needham** noted so we've got to supersede all of these, and get it all under one updated. **Councilman Galusha** noted and adopted by Resolution and embody everything into that, and in the future as we have discussed previously if we need to modify the policy modify it by Resolution, but update the Policy so the Policy is always current. **Councilman Brown** noted we are not punishing anybody. **Supervisor Shepler** spoke over him noting right (inaudible) Resolutions that were more of (inaudible) **Councilman Galusha** replied no. We are here to make the Policy right and move forward. **Councilman Galusha** replied let me be clear. I believe that this position should be a full time position and it should have benefits. **Councilman Brown** interrupted noting I do too. I do too. **Councilman Galusha** continued noting I am not looking at any personality. **Councilman Brown** responded right exactly. **Councilman Galusha** continued noting what I am looking at are the actions that have been taken up until this point that have been done without Board approval in violation of the Policy and I have a problem with that. We can correct that going forward. I don't believe it is right for us to try to legalize what happened in the past in violation of the Policy. I think we can discuss it at the next meeting what we are going to do as far as this Resolution, but I mean there aren't.....**Supervisor Shepler** interrupted noting well I think I would like to discuss it now because if there needs to be changes then I'd like to take it back to the (inaudible). **Councilwoman Harris** asked was it in the Budget last year. **Supervisor Shepler** replied last year. The **Town Clerk** noted no. **Councilwoman Harris** replied was the line in the budget last year for her insurance. **Supervisor Shepler** replied no I don't believe that it was. **Councilwoman Harris** continued noting OK so it wasn't in the Budget. It wasn't brought to the Board, and it was done illegally. So consequently is it in the Budget this year? **Supervisor Shepler** replied yes. **Councilwoman Harris** asked and what line is it. I just see down here for 2001 you've got Secretary/Bookkeeper which she doesn't qualify for because she hasn't taken the test to pass it. **Supervisor Shepler** interrupted noting she doesn't have to take a test **Joan** she is (inaudible). **Councilwoman Harris** continued noting Personnel Services anyway all it is, is just a services. There is nothing in the Budget for her insurance. **Supervisor Shepler** responded because you are not looking under the insurance code. **Councilman Galusha** noted it will be lumped in with the other employee's Health Insurance. **Supervisor Shepler** interrupted noting all the employees in the General.....**Councilwoman Harris** continued noting so it's lumped in with the other saying that your secretary is going to get insurance. **Councilman Galusha** replied no it is just saying the money is available for it. It doesn't mean that that.....The Budget doesn't give it to her. **Supervisor Shepler** interrupted noting right. There for that. **Councilman Galusha** continued noting it just means the pot of money if there so if the Board decides to give it to her **Supervisor Shepler** is saying that the money is available. **Councilwoman Harris** noted January 3<sup>rd</sup> you also said that the secretary to the **Supervisor** will do the duties that I bestow upon her in reality a 30 hour week. **Supervisor Shepler** replied she was working.....She is working a 30 hour week, and that was established. **Councilwoman Harris** replied OK, but 30 hours is not full time. **Supervisor Shepler** responded well according to

the.....**Councilwoman Harris** interrupted noting according to the Highway Contract, and if that is based on. **Supervisor Shepler** interrupted noting no it is not accord.....She doesn't follow the Highway contract **Joan**. The Highway contract is for the Highway Department only. **Councilwoman Harris** interrupted noting the (inaudible) that you receive.....**Councilman Brown** interrupted noting I don't think they can follow the Highway contract. **Supervisor Shepler** replied we don't follow the Highway contract. **Councilman Galusha** noted I think maybe I misunderstood, but when they say follow the Highway contract, and this is a question that I have is that I think they are talking about the employee contribution part of it. The **Town Clerk** responded correct as far as insurance. **Councilman Galusha** continued noting which raises a question which I would like some documentation of is has **Gail** been paying a portion of the Health Insurance or has the entire Health Insurance been paid by the Town. **Supervisor Shepler** replied I do believe that she pays a portion of it. **Councilman Galusha** responded I would like to see documentation on that. **Supervisor Shepler** noted I would have to find that out for you. **Councilman Brown** noted you are right then again. The wording needs to be there. **Councilman Galusha** replied exactly. **Councilman Brown** continued noting we are (inaudible) or (inaudible). **Councilman Galusha** noted because it is confusing, and some people may think they get Health Insurance without having to pay anything which is to the employees that do pay. **Supervisor Shepler** replied right. **Councilman Galusha** continued noting so I want to make sure she is paying, and that it is consistent with what the other employees are doing. **Supervisor Shepler** replied I just want to clarify something that apparently is misunderstood here. When it says follow the contract that's as **Randy** had explained it is for contributions. **Councilwoman Harris** responded I understand. **Supervisor Shepler** continued noting but we as a Town do not follow and cannot follow, and we are not a portion of the Highway contract. Even our Holiday schedule is different from theirs, and they will never be the same because we are not under the Highway's contract as the Town of Thurman employees. OK I think that there was some confusion when you had asked about President's Day. Is it the same one.....Is it the same one that the Highway.....**Councilman Galusha** replied right. **Supervisor Shepler** continued noting and it is those are the same, but the Highway Departments schedule of Holidays and time that they get is not the same as the Town gets. **Councilman Galusha** replied go ahead **Ed** you have something? **Councilman Brown** responded well seeing we are talking openly about this I don't care if we do. You are right as far as the legal part we have to be careful both ways because we have already opened the door, and have been paying insurance so this could go either way. **Councilman Galusha** replied um hum. **Councilman Brown** continued noting is all I am saying so we have to sure we know what we are doing. **Councilman Galusha** responded right. **Councilman Brown** noted does anybody disagree with that. I mean once the preference has been set. **Councilman Galusha** responded I do think that we probably should get some additional legal advice, and ask our Attorney some questions. And I'll tell you one of the things that he told me in my conversation with him tonight that if we chose to do this, and it is an exception to current Town Policy because current Town Policy says 32 hours he says that we should specify in this Resolution that we are making an exception because otherwise if we don't specify it here then that means that every other part-time employee will think hey they are entitled to it. **Councilman Brown** spoke over him noting oh there is no doubt. There is no doubt (inaudible). Yeah. **Councilman Galusha** continued noting that is what he told me tonight. **Supervisor Shepler** replied so I think that we have already discussed this and we are going to readdress that particular Resolution to change it to the 30 hours a week from 32 because that was the old rules before Obama Care. **Councilman Brown** noted yeah that was I forget the date, but I did have some dates too on that. **Councilman Galusha** noted let's be clear though I mean **Ed** mentioned Obama Care earlier and you talked about the 30 hours. **Supervisor**



**Shepler** interrupted noting right. **Councilman Galusha** continued noting we've been round and round on this, but **Ed** wasn't here last week. **Supervisor Shepler** interrupted noting that is absolutely correct. **Councilman Galusha** noted I have done a lot of research on Obama Care. **Councilman Brown** interrupted noting oh yes. I tried to, but I can't keep my internet going long enough. **Councilman Galusha** continued noting there is a thing in there that says to be full time an employee works 30 hours or more, but then it says that in order for an Employer to be required to provide Affordable Health Insurance they have to have 50 or more full time equivalent employees. **Councilman Brown** responded right I read that. **Councilman Galusha** continued noting now that is to be required to provide it. It does say what you said earlier an Employer can choose to do it, but we can choose.....**Councilman Brown** interrupted noting exactly, but on the next paragraph below that there is a paragraph before that. **Councilman Galusha** continued noting so we can choose to insurance to anybody. It doesn't even have to be 30 hours, but the requirement to do it for 30 only applies to those large employers not us. **Councilman Brown** replied we can do it according to the paragraph. **Councilman Galusha** replied we can yes. **Councilman Brown** noted we can, but we we've just got to be careful legally too. We don't get ourselves in trouble (inaudible). **Supervisor Shepler** noted so backing it up **Randy** has a motion on the table **Joan** has seconded it to table this Resolution until the March meeting at which time we will also bring forward the new Resolution to update the Policy Manual from 30 to the 30 hours. **Councilwoman Harris** asked is there wording in the Policy that we need to look at too. If we are going to have a new Policy we've got to have..... **Supervisor Shepler** interrupted noting it's in the.....She continued noting it's a Resolution. You can come up and look at the book. Please (inaudible). **Councilwoman Harris** noted if you are going to have a new Policy you are going to have to discuss a lot of it. The book the Policy book. **Supervisor Shepler** replied we can review the Policy as a Board yes, but this is a Resolution that specifically addressed this, and it addressed it at (inaudible). **Councilwoman Harris** interrupted noting and any other thing that we want to look at. **Supervisor Shepler** responded yes, but this is pertinent in this point in time. **Councilman Needham** asked what day is the next meeting. **Supervisor Shepler** replied it's March 10<sup>th</sup> I do believe is the next meeting. I don't have my calendar in front of me. **Councilman Galusha** replied so I just want to be clear at the next meeting we are going to talk about updating the Policy, but somebody has to actually physically write the Policy,.....**Supervisor Shepler** interrupted noting I will rewrite it. It's.....**Councilman Galusha** continued noting and it is not just the 30 hours it's the whole Policy has to be redone. **Supervisor Shepler** replied we are not.....**Randy** I, I, I.....I am probably going to going to get myself (inaudible). I am not looking to rewrite the whole Policy Manual at this point in time. I am looking at this point.....**Councilwoman Harris** interrupted noting well we should. **Supervisor Shepler** responded we need to review the entire Policy yes we do, but I am looking to update the particular Resolution that references a full time employee at 32 hours a week to 30 hours a week to go in line with this Resolution. So that there is no conflict. **Councilwoman Harris** made an inaudible comment. **Supervisor Shepler** noted the Policy Manual needs to be reviewed. **Councilman Galusha** replied yes. **Supervisor Shepler** continued noting but this is one Resolution in the Policy Book that sticks out and has called everybody's attention to. So that needs to be upgraded and reflect the current 30 hours a week. Not 32 hours a week, and then once that is changed we can look at passing this Resolution for insurance at that point in time because then it would be all in sync. The Policy Manual is another thing, and that needs to be reviewed. I will see if I can get copies made of it for everybody, and we can all review it. We can all make notes, and I think we should take a section at time going forth, but I think this particular Resolution that is in there is pertinent at this point in time. **Councilman Galusha** responded I don't like the idea of piece mealing it, and doing one little thing here and there. I think we

need to rewrite the whole policy. I mean and address everything, and I do have a problem with making this retroactive. **Supervisor Shepler** replied well it's.....**Councilman Galusha** continued noting I think trying to make something legal that was clearly illegal. I mean just the fact that we are entertaining this is an admission of it illegality. **Supervisor Shepler** interrupted noting **Randy**. She continued noting no it is not. **Councilwoman Harris** noted yes it is. **Supervisor Shepler** responded no it is not. **Councilman Galusha** responded it most certainly is. **Councilwoman Harris** noted well you didn't bring it in front of the Board so she shouldn't have it anyway for a whole year. She owes the Town for what (inaudible). **Supervisor Shepler** spoke over her noting alright so do we have a vote to.....She continued noting no she doesn't owe the Town anything right now **Joan**. **Councilwoman Harris** replied that is because you don't want her to not because she doesn't. **Supervisor Shepler** responded I didn't say that (inaudible). **Councilwoman Harris** noted because it wasn't in the budget. You spent money that wasn't said you could spend. Isn't that true? **Supervisor Shepler** replied **Joan** I am not going down that rabbit hole right now with you thank you. **Councilwoman Harris** replied well it is not a rabbit hole it is just a question. Did you spend money that the Board did not authorize? Yes or no number. **Supervisor Shepler** replied on more than one Budget Codes. **Councilwoman Harris** replied huh. **Supervisor Shepler** replied on more than one Budget Codes. The Board actually.....**Councilwoman Harris** interrupted noting we that is why we had to pay \$28,000.00 to transfer. **Supervisor Shepler** interrupted noting excuse me, excuse me, excuse me. She continued noting the Board actually authorized everything because you guys all signed every month the claims. You were all aware of what was being paid out. **Councilwoman Harris** replied we sign the claims we sign that they are (inaudible) not (inaudible). **Councilman Galusha** noted the Board didn't authorize **Gail's** insurance (inaudible). **Supervisor Shepler** replied I didn't say that they authorized **Gail's** insurance, but you did sign the claims for the insurance to be paid. **Councilwoman Harris** interrupted noting so it is a yes or no question. **Councilman Galusha** replied the claims don't indicate who is getting insurance so. **Supervisor Shepler** replied if you read the paperwork it does tell you who is getting what. It's attached to it, but we have a motion on the floor to table this Resolution until March. Can I have a Roll Call Vote on that or yeah give me a Roll Call.

**A Roll Call Vote was called.**

**The Resolution was tabled: Ayes~5 Brown, Galusha, Harris, Needham, Shepler, Nays~0.**

**Discussion:** **Councilwoman Harris** noted so this is tabled till March. **Supervisor Shepler** replied until the March meeting. **Councilman Needham** asked what. **Councilwoman Harris** noted and the policy has been changed. **Supervisor Shepler** replied nothing has been changed. **Councilwoman Harris** responded nothing has been changed, but I mean in March that is what we are going to discuss right. **Supervisor Shepler** replied we are going to bring the Resolution up again. **Councilman Galusha** noted did you mention to **Ed** that the last meeting we discussed changing the meeting. **Supervisor Shepler** responded I did not no. I did not, and after hindsight I am not sure that that is the wise thing to do at this point in time. **Councilman Galusha** responded I thought it was going to help you get the claims in on time. **Supervisor Shepler** responded I don't think it is going to make a darn bit of difference. **Councilman Galusha** replied OK. **Councilman Needham** noted March 16<sup>th</sup>. **Supervisor Shepler** replied it is March 10<sup>th</sup> I think. Someone asked what time. **Supervisor Shepler** replied 6:30. Normally that is our regular time unless you guys want to change that. **Councilman Needham** replied 6:30. **Councilman Galusha** noted it's the 10<sup>th</sup> at 6:30. **Councilman Needham** replied OK. **Councilman Galusha** responded yup. **Councilman Needham** noted 6:30 or 7, 6:30. **Supervisor Shepler** responded 6:30 is what we normally do, but this was a Special Meeting so we met at 6. **Councilman Brown** noted I got.....I did check on the numbers

here in Warren County. Down to 2.3. **Supervisor Shepler** replied the what. **Councilman Brown** replied percent, cases in the County going down. **Supervisor Shepler** replied 6:30. **Joan** is that alright. **Councilwoman Harris** responded yes, 6:30. **Councilman Galusha** noted should we since the numbers are going down to reopen the meetings. **Supervisor Shepler** replied I am not in favor of reopening the meeting. The numbers are going down a small amount, but we've also got the other variants out there are coming into the program. Not everybody in the area has gotten the injections. **Joan** I think is the only one. You've had 2. **Councilwoman Harris** replied no I don't get another one for another 3 weeks, but the restaurants are opening up. Public places are opening up. **Supervisor Shepler** replied other Town are not opening their meetings up. **Councilwoman Harris** replied that doesn't mean we can't. **Supervisor Shepler** responded well it doesn't mean that we can either. **Councilman Needham** interrupted noting I think we should (inaudible).....He continued noting taking a.....Dodge it this far. Let's just keep it safe, and you know I would rather not. **Councilwoman Harris** asked how many have we had here in this location. **Councilman Needham** responded I have no idea. I don't want to know. I try to stay away from everybody. **Supervisor Shepler** spoke over him noting we don't know because Warrensburg is along with Thurman. **Councilwoman Harris** responded Warrensburg is not Thurman. **Supervisor Shepler** replied I know that. **Councilwoman Harris** noted just the addresses. **Councilman Galusha** noted we started talking about this last time. If we are going to keep the meetings closed then I'd like to see us as soon as SLIC is available get connected to SLIC, and start putting the meetings out televising them live because that is what the Committee on Open Government requires us to do according to the Governor's Executive Policy so. **Supervisor Shepler** responded the note that is one the agendas covers us with video and going out the next day. If we videoed it and didn't put it out for three weeks then that would be in violation, but because we don't have the ability to go live at this point in time that covers us. **Councilman Galusha** responded I realize that, but if we get SLIC we will be able to. **Supervisor Shepler** replied and I hope we get it soon. I've got calls in they know (inaudible). **Councilman Galusha** interrupted noting so I'm suggesting as soon as we do let's televise them live. No reason not to at that point. **Supervisor Shepler** replied does the Board have any objection to us switching from Verizon to SLIC as soon as it's available to us. It's not a Resolution. It's not required under a Resolution. This is actually something I can do. It's day to day business. **Councilman Galusha** noted then I think we should have a Resolution to do it. I would make a motion that as soon as SLIC is available to us that we connect to SLIC and discontinue with Verizon as soon as possible. That is my Resolution. **Councilman Brown** made an inaudible comment. **Councilman Galusha** noted that is a second.

#### **Resolution #27**

On a motion introduced by **Councilman Galusha** and seconded by **Councilman Brown**

#### **Resolution**

That as soon as SLIC is available to us that we connect to SLIC and discontinue with Verizon as soon as possible.

**Supervisor Shepler** asked **Doug** what is your point about that. Do you have any views on that? You think its (inaudible).**Councilwoman Harris** noted a lot of people are calling. **Supervisor Shepler** replied I'm sorry. **Councilwoman Harris** noted a lot of people are calling. **Supervisor Shepler** responded oh yeah, yup. **Councilman Galusha** noted so we have a Resolution and a motion and a second. **Councilman Brown** noted yup. **Supervisor Shepler** noted all in favor of the Resolution to put SLIC into effect as soon as it's made available to the Town of Thurman say I. The **Town Clerk** asked any nays.

**Motion Carried: Ayes~5 Brown, Galusha, Harris, Needham, Shepler, Nays~0**

**Discussion: Supervisor Shepler** asked any further discussion. **Councilman Galusha** noted I do have one other thing. Somebody messaged me, and they were inquiring about the Harris House, and why we are continuing to heat it, and.....**Supervisor Shepler** interrupted noting excellent question. **Councilman Needham** noted yeah it is. **Supervisor Shepler** responded well what I wanted to do is get over there. I don't know the first thing about the water system over there. **Councilwoman Harris** noted there is no water. **Supervisor Shepler** continued noting to make sure that it is drained, and turned off and everything is emptied because if you leave water in anything over there and turn the heat off then we are going to have a huge problem. **Councilman Galusha** noted so I think.....We can't do it right away at some time this year I think we need to review the Engineer's evaluation that was done a couple of years ago, and I think we probably should all get together and evaluate the building and we should probably make a decision about what we are going to do with it. **Supervisor Shepler** noted but in the meantime if I can get the water off over there, and turn the heat off I would like to do that because it is costing us money just going through the roof, and.....**Councilman Brown** interrupted noting I know I have been trying to get there, but I just haven't had a chance. **Supervisor Shepler** replied you've had extenuating circumstances **Ed** I understand. **Councilwoman Harris** noted I've got to get back there and sweep it up and clean it up a little bit from what everything was moved to, and also you have to consider that you have photographs and you have large things that belong to the Town that need to be protected against cold or.....Pictures you know some of the pictures. **Supervisor Shepler** responded I thought everything when to the Historical Society in Warrensburg **Joan**. **Councilwoman Harris** replied I would not give the Town's stuff to a Historical Society. All we gave was just junk from the John Thurman Historical Society. Over there, there are hundreds of pictures. Lots of stuff upstairs. Whatever belonged to the Town of Thurman. **Councilman Galusha** noted so at some point we need to go through the building and decide what to do with it. **Councilwoman Harris** noted some of it has got to be protected or you've got to do something about it. **Supervisor Shepler** asked is there anything that we can display over here. **Councilwoman Harris** replied we've got a whole bunch of pictures. I don't know where you would put them, and you've got that great big huge map with every Historian has passed the message down don't get rid of that map because it's something that we can't ever get another one of, and that is on the wall. **Supervisor Shepler** asked is it framed or is it just (inaudible). **Councilman Galusha** noted it sounds like there is some work. **Councilman Needham** noted it sounds like we need to get a storage unit, and put all the stuff in it. **Supervisor Shepler** replied yeah. **Councilwoman Harris** noted all the big equipment you've got. I don't.....You've got a hand plow. There is a lot of big equipment upstairs, and I think somebody must have put it in the barn. I don't know because there is a lot things I haven't seen in the Harris House, and I was told that probably they are in the red barn, but I don't know. **Councilman Brown** noted there is stuff in the barn. **Steve** and I was down there. **Councilwoman Harris** noted but all the those gifts either we have to preserve them or do whatever. **Supervisor Shepler** asked is there any information attached to these items to indicate where they came, and giving us a little information about it. **Councilwoman Harris** noted some of it. A lot of it was still there probably **Robin** would be the one who knows because I didn't touch anything. I haven't touched anything that they collected. **Supervisor Shepler** asked **Robin Croissant**. **Councilwoman Harris** replied yeah she was the last one before me, and the only thing.....The few things that I have got I have on a list that I gave the Town Board last year. Not last year, but the year before. I gave you a list of what was over there, inventory. **Supervisor Shepler** replied do you have a copy of that list **Susan**. The **Town Clerk** noted I will look and see. **Supervisor Shepler** replied would you please. The **Town Clerk** replied I don't recollect it, but I will

look and see. **Supervisor Shepler** replied alright because I don't have it. **Randy** doesn't have it. I don't think..... **Councilwoman Harris** noted no I didn't give it to the Board. Well I gave it to the Board back then. **Supervisor Shepler** noted there are three new members to the Board who don't have it so I would like to be able to see it. **Councilwoman Harris** interrupted noting oh sure everybody can see it. **Supervisor Shepler** asked do you have a copy of it. Will you make a copy of it? **Councilwoman Harris** noted I think I still have a copy in my files. **Supervisor Shepler** replied so we'll see if **Joan** has it first so you don't have to OK. **Councilwoman Harris** noted I'll get with you if I can't find it. **Supervisor Shepler** noted does somebody (inaudible). **Councilwoman Harris** interrupted noting cause I had to keep them separate. There are two separate entities that I was taking care of. **Supervisor Shepler** noted **John Thurman Historical Society**. **Councilman Brown** noted but any way that you look at it, it is an old building. It's old. **Councilman Galusha** replied it is. I mean.....**Councilman Brown** continued noting and it functionally probably has run its course. **Councilman Needham** interrupted noting there is no heat. There is no ridge cap. **Councilman Galusha** noted I mean the thing is we need to make an informed decision about what to do with it because it is a historical building. Some people have emotional feelings about it, and so before we just go and kick a hornets' nest let's make sure we know what we are doing with it, and so it right, and just evaluate it..... **Supervisor Shepler** interrupted noting (inaudible) emotional. It's not on the Historical Register anywhere. **Councilwoman Harris** responded no. **Councilman Galusha** responded it may not be on the Historical Register, but there are people in Town who have feelings about it so. **Councilwoman Harris** noted and they would like to do that. Because they asked me if we could apply to do it, and I said I could look into it. **Councilman Galusha** noted personally I'm not emotionally attached to it. However, just for the record when my father was Supervisor he is the one who arranged to purchase the property. **Councilwoman Harris** noted that is right, that is right. **Councilman Galusha** continued noting there was I think some grant that made it (inaudible). **Councilwoman Harris** noted you can get a grant to help that out. I mean there were a couple of them that we offered to me, but obviously I didn't think the Board would go through it. **Councilman Galusha** noted for a period of time the Town used it for a Library and it's been used for other things, but it's been neglected. **Councilwoman Harris** noted that is why I said when you told me about you've got to have a place for all of that stuff over there. **Supervisor Shepler** replied alright we'll have to take a trip over there when it's a little warmer to look at what is over there. **Councilman Galusha** replied yup. **Councilwoman Harris** noted I was going to go in then all of a sudden the Town plowed where I would put my car and I had to climb that bank, and the snow got bigger. I said I am not going to do that. **Supervisor Shepler** replied alright well perhaps maybe.....**Councilwoman Harris** interrupted noting but I will go back and clean up the mess. It's not a mess it's just papers but. **Supervisor Shepler** responded so then should we leave the heat on until Spring when we can access the building. Because (inaudible) **Councilman Galusha** interrupted noting I think if there is something in there that could be damaged with the heat off then sounds like we have too. **Supervisor Shepler** replied yup alright so we'll make arrangements to get in there in the Spring time, and to go through it, and to try and ascertain what we can do with all of the materials that are over there. And perhaps maybe we can bring some of the pictures over here and display them in the Thurman Town Hall. Because they are Thurman. Origin of Thurman residents who donated them. We can do that so. But thank you for bringing that up because that is a question that has been brought to my attention and I have not been able to get over there, and honestly I really am unfamiliar with what to do with turning the water off over there, and I not sure (inaudible)..... **Councilwoman Harris** interrupted noting really the only place there is any water is in the toilet, but it is just a little bit in the toilet. (Inaudible). **Councilman Needham** interrupted noting and the

only water that is in there is just for that one toilet it should be simple to shut off. **Supervisor Shepler** responded well that has got a shut off drain, and you should put the pink stuff in it then what's ever in the water.....Open the tank you've got to drain it out. **Councilman Needham** interrupted noting OK I could have sworn it was shut off before. **Councilman Galusha** asked where does the water supply for that come from. Off of this building or the Highway Department or something? **Supervisor Shepler** replied no it's.....**Councilman Needham** interrupted noting it comes from out back that is all I can.... The **Town Clerk** noted they might have their own line somewhere. **Councilman Needham** noted it's not tied to the Town system though. **Councilman Galusha** replied no I didn't think it was, but it sounds like you've got to shut it off someplace else. You can't just shut it off inside. **Councilman Needham** replied it's behind the red barn we do. **Councilman Galusha** replied curb stand. **Councilman Brown** replied I'm not sure what they did when they put the new water in. **Councilman Needham** noted they run water like 2 different ways there to kind of like recharge where it would go either way and it's.....Nobody has ever really figured it all out. It's like the water comes from the Harris House first and then goes back up the hill to the Youth Building. **Councilman Galusha** made an inaudible comment. **Councilman Needham** continued noting you turn one (inaudible) off and it goes the other way. I could never it. It's.....**Councilman Brown** noted we'll figure it out. **Councilwoman Harris** noted when they took it over to a judge when Ricky was in, and they took out the middle wall so the building has been alternated. **Councilman Brown** noted I altered that a long time back when **Dave Kenyon** was (inaudible). **Councilman Needham** noted but there is an old foundation setting (inaudible). **Councilwoman Harris** noted **Vern** and I painted the upstairs and the downstairs. **Councilman Brown** replied I know (inaudible). I know (inaudible). I worked on that (inaudible). **Councilwoman Harris** noted I want to make it clear that the only things that went to Warrensburg were the John Thurman Historical Society stuff. That is why there is stuff over there that is still there. **Supervisor Shepler** replied the remaining items that are left over there are the Town of Thurman Historical. **Councilwoman Harris** noted belong to the Town yup. And whatever is in the file in this one here, and I've got your files but I got your key. **Supervisor Shepler** replied oh thank you. **Councilwoman Harris** noted the one that Warrensburg gave to you and the other one in there so. **Supervisor Shepler** replied thank you. **Councilwoman Harris** noted I kept the keys because I thought I was going to be cleaning up the mess. **Supervisor Shepler** replied alright. **Councilwoman Harris** noted when I didn't have to climb the snow banks. **Supervisor Shepler** replied alright then. Any further discussion? None being heard can we have a motion to adjourn?

**ADJOURNMENT:** On a motion introduced by **Councilman Needham** and seconded by **Councilman Brown** the meeting was adjourned at **7:38 pm**.

**Motion carried: Ayes~5 Brown, Galusha, Harris, Needham, Shepler, Nays~0**

**Respectfully Submitted,**

**Susan E. Staples, Town Clerk**